

(§§575-589) of title V of div. A of Pub. L. 111-84, enacting sections 1973ff-2a, 1973ff-2b, 1973ff-4a, and 1973ff-7 of this title and section 1566a of Title 10, Armed Forces, amending sections 1973ff to 1973ff-2, 1973ff-3, 1973ff-4, 15401, 15403, 15404, and 15407 of this title, and enacting provisions set out as notes under sections 1973ff to 1973ff-2 of this title] may be cited as the ‘Military and Overseas Voter Empowerment Act’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-246, §1, July 27, 2006, 120 Stat. 577, as amended by Pub. L. 110-258, §1, July 1, 2008, 122 Stat. 2428, provided that: “This Act [amending sections 1973a to 1973c, 1973f, 1973j to 1973l, and 1973aa-1a of this title, repealing sections 1973d, 1973e, and 1973g of this title, and enacting provisions set out as a note under section 1973 of this title] may be cited as the ‘Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. García Voting Rights Act Reauthorization and Amendments Act of 2006’.”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-344, §1, Aug. 26, 1992, 106 Stat. 921, provided that: “This Act [amending section 1973aa-1a of this title] may be cited as the ‘Voting Rights Language Assistance Act of 1992’.”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-410, §1, Aug. 28, 1986, 100 Stat. 924, provided that: “This Act [enacting subchapter I-G of this chapter, sections 608 and 609 of Title 18, Crimes and Criminal Procedure, and section 3406 of Title 39, Postal Service, amending sections 2401, 3627, and 3684 of Title 39, repealing subchapters I-D and I-E of this chapter, and enacting provisions set out as a note under section 1973ff of this title] may be cited as the ‘Uniformed and Overseas Citizens Absentee Voting Act’.”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-205, §1, June 29, 1982, 96 Stat. 131, provided: “That this Act [enacting section 1973aa-6 of this title, amending sections 1973, 1973b, and 1973aa-1a of this title, and enacting provisions set out as notes under sections 1973, 1973b, 1973aa-1a and 1973aa-6 of this title] may be cited as the ‘Voting Rights Act Amendments of 1982’.”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-285, §1, June 22, 1970, 84 Stat. 314, provided: “That this Act [designating existing provisions of Pub. L. 89-110 as subchapter I-A, enacting subchapters I-B and I-C of this chapter, and amending sections 1973b and 1973c of this title] may be cited as the ‘Voting Rights Act Amendments of 1970’.”

SHORT TITLE OF 1960 AMENDMENT

Pub. L. 86-449, §1, May 6, 1960, 74 Stat. 84, provided that: “This Act [enacting subchapter II of this chapter and sections 837, 1074, and 1509 of Title 18, Crimes and Criminal Procedure, and amending this section and sections 241 and 640 of Title 20, Education] may be cited as the ‘Civil Rights Act of 1960’.”

SHORT TITLE OF 1957 AMENDMENT

Pub. L. 85-315, pt. V, §161, Sept. 9, 1957, 71 Stat. 638, provided that: “This Act [enacting former chapter 20A of this title and section 1995 of this title and section 295-1 of former Title 5, Executive Departments and Government Officers and Employees, amending this section and sections 1343 and 1861 of Title 28, Judiciary and Judicial Procedure, and repealing section 1993 of this title] may be cited as the ‘Civil Rights Act of 1957’.”

SHORT TITLE

Pub. L. 89-110, §1, Aug. 6, 1965, 79 Stat. 437, provided that: “This Act [enacting subchapters I-A, I-B, and I-C

of this chapter and amending this section] shall be known as the ‘Voting Rights Act of 1965’.”

Act Aug. 9, 1955, ch. 656, §1, 69 Stat. 584, which provided that such Act, which enacted subchapter I-D of this chapter and repealed sections 301 to 303, 321 to 331, 341, and 351 to 355 of Title 50, War and National Defense, was to be cited as “The Federal Voting Assistance Act of 1955”, was repealed by Pub. L. 99-410, title II, §203, Aug. 28, 1986, 100 Stat. 930.

Pub. L. 94-203, §1, Jan. 2, 1976, 89 Stat. 1142, which provided that Pub. L. 94-203, which enacted subchapter I-E of this chapter, was to be cited as “Overseas Citizens Voting Rights Act of 1975”, was repealed by Pub. L. 99-410, title II, §203, Aug. 28, 1986, 100 Stat. 930.

Pub. L. 98-435, §1, Sept. 28, 1984, 98 Stat. 1678, provided that: “This Act [enacting subchapter I-F of this chapter] may be cited as the ‘Voting Accessibility for the Elderly and Handicapped Act’.”

Pub. L. 103-31, §1, May 20, 1993, 107 Stat. 77, provided that: “This Act [enacting subchapter I-H of this chapter and section 3629 of Title 39, Postal Service, and amending sections 2401 and 3627 of Title 39] may be cited as the ‘National Voter Registration Act of 1993’.”

SEPARABILITY

Section 701 of Pub. L. 86-449 provided that: “If any provisions of this Act [see Short Title note above] is held invalid, the remainder of this Act shall not be affected thereby.”

VOTER REGISTRATION DRIVES

Pub. L. 98-473, title I, §101(j), Oct. 12, 1984, 98 Stat. 1963, provided that: “It is the sense of the Congress that—

“(1) voter registration drives should be encouraged by governmental entities at all levels; and

“(2) voter registration drives conducted by State governments on a nonpartisan basis do not violate the provisions of the Intergovernmental Personnel Act (42 U.S.C. 4728, 4763).”

§ 1972. Interference with freedom of elections

No officer of the Army, Navy, or Air Force of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State.

(R.S. §2003.)

CODIFICATION

R.S. §2003 derived from act Feb. 25, 1865, ch. 52, §1, 13 Stat. 437.

Air Force inserted to conform to section 207(a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 502, which established a separate Department of the Air Force, and Secretary of Defense Transfer Order No. 40 [App. A(10)], July 22, 1949, which transferred certain functions to the Air Force. Section 207(a), (f) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces”, which in sections 8010 to 8013 continued Department of the Air Force under administrative supervision of Secretary of the Air Force.

Section was formerly classified to section 32 of Title 8, Aliens and Nationality.

SUBCHAPTER I-A—ENFORCEMENT OF VOTING RIGHTS

§ 1973. Denial or abridgement of right to vote on account of race or color through voting qualifications or prerequisites; establishment of violation

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall

be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided in subsection (b) of this section.

(b) A violation of subsection (a) of this section is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

(Pub. L. 89-110, title I, § 2, Aug. 6, 1965, 79 Stat. 437; renumbered title I, Pub. L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended Pub. L. 94-73, title II, § 206, Aug. 6, 1975, 89 Stat. 402; Pub. L. 97-205, § 3, June 29, 1982, 96 Stat. 134.)

AMENDMENTS

1982—Pub. L. 97-205 redesignated existing provisions as subsec. (a), struck out the comma after “voting”, substituted “in a manner which results in a denial or abridgement of” for “to deny or abridge”, inserted “, as provided in subsection (b) of this section” after “in contravention of the guarantees set forth in section 1973b(f)(2) of this title”, and added subsec. (b).

1975—Pub. L. 94-73 substituted “race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title” for “race or color”.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 6 of Pub. L. 97-205 provided that: “Except as otherwise provided in this Act, the amendments made by this Act [see Short Title of 1982 Amendment note below] shall take effect on the date of the enactment of this Act [June 29, 1982].”

SHORT TITLE

This subchapter and subchapters I-B and I-C of this chapter known as the “Voting Rights Act of 1965”, see Short Title note set out under section 1971 of this title.

CONGRESSIONAL PURPOSE AND FINDINGS

Pub. L. 109-246, § 2, July 27, 2006, 120 Stat. 577, provided that:

“(a) **PURPOSE.**—The purpose of this Act [see Short Title of 2006 Amendment note set out under section 1971 of this title] is to ensure that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.

“(b) **FINDINGS.**—The Congress finds the following:

“(1) Significant progress has been made in eliminating first generation barriers experienced by minority voters, including increased numbers of registered minority voters, minority voter turnout, and minority representation in Congress, State legislatures, and local elected offices. This progress is the direct result of the Voting Rights Act of 1965 [this subchapter and subchapters I-B and I-C of this chapter].

“(2) However, vestiges of discrimination in voting continue to exist as demonstrated by second genera-

tion barriers constructed to prevent minority voters from fully participating in the electoral process.

“(3) The continued evidence of racially polarized voting in each of the jurisdictions covered by the expiring provisions of the Voting Rights Act of 1965 demonstrates that racial and language minorities remain politically vulnerable, warranting the continued protection of the Voting Rights Act of 1965.

“(4) Evidence of continued discrimination includes—

“(A) the hundreds of objections interposed, requests for more information submitted followed by voting changes withdrawn from consideration by jurisdictions covered by the Voting Rights Act of 1965, and section 5 [42 U.S.C. 1973c] enforcement actions undertaken by the Department of Justice in covered jurisdictions since 1982 that prevented election practices, such as annexation, at-large voting, and the use of multi-member districts, from being enacted to dilute minority voting strength;

“(B) the number of requests for declaratory judgments denied by the United States District Court for the District of Columbia;

“(C) the continued filing of section 2 [42 U.S.C. 1973] cases that originated in covered jurisdictions; and

“(D) the litigation pursued by the Department of Justice since 1982 to enforce sections 4(e), 4(f)(4), and 203 of such Act [42 U.S.C. 1973b(e), (f)(4), 1973aa-1a] to ensure that all language minority citizens have full access to the political process.

“(5) The evidence clearly shows the continued need for Federal oversight in jurisdictions covered by the Voting Rights Act of 1965 since 1982, as demonstrated in the counties certified by the Attorney General for Federal examiner and observer coverage and the tens of thousands of Federal observers that have been dispatched to observe elections in covered jurisdictions.

“(6) The effectiveness of the Voting Rights Act of 1965 has been significantly weakened by the United States Supreme Court decisions in *Reno v. Bossier Parish II* and *Georgia v. Ashcroft*, which have misconstrued Congress’ original intent in enacting the Voting Rights Act of 1965 and narrowed the protections afforded by section 5 of such Act [42 U.S.C. 1973c].

“(7) Despite the progress made by minorities under the Voting Rights Act of 1965, the evidence before Congress reveals that 40 years has not been a sufficient amount of time to eliminate the vestiges of discrimination following nearly 100 years of disregard for the dictates of the 15th amendment and to ensure that the right of all citizens to vote is protected as guaranteed by the Constitution.

“(8) Present day discrimination experienced by racial and language minority voters is contained in evidence, including the objections interposed by the Department of Justice in covered jurisdictions; the section 2 litigation filed to prevent dilutive techniques from adversely affecting minority voters; the enforcement actions filed to protect language minorities; and the tens of thousands of Federal observers dispatched to monitor polls in jurisdictions covered by the Voting Rights Act of 1965.

“(9) The record compiled by Congress demonstrates that, without the continuation of the Voting Rights Act of 1965 protections, racial and language minority citizens will be deprived of the opportunity to exercise their right to vote, or will have their votes diluted, undermining the significant gains made by minorities in the last 40 years.”

SEPARABILITY

Section 208 of Pub. L. 94-73 provided that: “If any amendments made by this Act [enacting sections 1973aa-1a and 1973aa-5 of this title, amending this section and sections 1973a to 1973d, 1973h, 1973i, 1973k, 1973l, 1973aa, 1973aa-2, 1973aa-3, 1973bb, 1973bb-1 of this title, and repealing sections 1973bb-2 to 1973bb-4 of this title] or the application of any provision thereof to any per-

son or circumstance is judicially determined to be invalid, the remainder of the Voting Rights Act of 1965 [this subchapter and subchapters I-B and I-C of this chapter], or the application of such provision to other persons or circumstances shall not be affected by such determination.”

§ 1973a. Proceeding to enforce the right to vote

(a) Authorization by court for appointment of Federal observers

Whenever the Attorney General or an aggrieved person institutes a proceeding under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal observers by the Director of the Office of Personnel Management in accordance with section 1973d¹ of this title to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the voting guarantees of the fourteenth or fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such observers is necessary to enforce such voting guarantees or (2) as part of any final judgment if the court finds that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of observers if any incidents of denial or abridgement of the right to vote on account of race or color, or in contravention of the voting guarantees set forth in section 1973b(f)(2) of this title (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) Suspension of use of tests and devices which deny or abridge the right to vote

If in a proceeding instituted by the Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, or in contravention of the voting guarantees set forth in section 1973b(f)(2) of this title, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) Retention of jurisdiction to prevent commencement of new devices to deny or abridge the right to vote

If in any proceeding instituted by the Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court finds that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief

as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the voting guarantees set forth in section 1973b(f)(2) of this title: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

(Pub. L. 89-110, title I, § 3, Aug. 6, 1965, 79 Stat. 437; renumbered title I, Pub. L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended Pub. L. 94-73, title II, §§ 205, 206, title IV, §§ 401, 410, Aug. 6, 1975, 89 Stat. 402, 404, 406; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 109-246, § 3(d)(1), July 27, 2006, 120 Stat. 580.)

REFERENCES IN TEXT

Section 1973d of this title, referred to in subsec. (a), was repealed by Pub. L. 109-246, § 3(c), July 27, 2006, 120 Stat. 580.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-246 substituted “observers” for “examiners” wherever appearing.

1975—Subsec. (a). Pub. L. 94-73 inserted reference to fourteenth amendment in three places, and substituted “voting guarantees” for “guarantees” in three places, “Attorney General or an aggrieved person” for “Attorney General”, and “on account of race or color or in contravention of the voting guarantees set forth in section 1973b(f)(2) of this title” for “on account of race or color”.

Subsec. (b). Pub. L. 94-73 substituted “Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment” for “Attorney General under any statute to enforce the guarantees of the fifteenth amendment”, and “on account of race or color, or in contravention of the voting guarantees set forth in section 1973b(f)(2) of this title” for “on account of race or color”.

Subsec. (c). Pub. L. 94-73 substituted “Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court finds that violations of the fourteenth or fifteenth amendment” for “Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment” and “on account of race or color, or in contravention of the voting guarantees set forth in section 1973b(f)(2) of this title” for “on account of race or color”.

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted for “United States Civil Service Commis-

¹ See References in Text note below.